

Agriculture, Fish, & Water (AFW)
Field Office Technical Guide (FOTG) Executive Committee Meeting # 14
Thursday & Friday, November 8-9, 2001
Holiday Inn Express, Ocean Shores
MEETING SUMMARY

Note: This summary is a general representation of the meeting and no party is binding to any accountability of the summary.

Thursday, November 8, 2001

1. Welcome/Introductions

Tim Thompson called the meeting to order at 10:30am. He introduced Tony Williams, former chief of staff for Slade Gordon, as his assistant in the AFW process. Introductions of meeting attendees were made.

Thompson reminded the group of the general options package he presented at the September FOTG Executive Committee meeting.

Gretchen Borck requested an update on the AFW web-site amendments (revisions to the AG caucus membership list) she had requested in September. Hibba Wahbeh mentioned that she has made the request and will check on the status of the web-site update.

Borck requested to hold the approval of the May, August and September draft meeting minutes till tomorrow.

Action Item: Hibba Wahbeh will check on the status of the AFW web-site updates submitted by Gretchen Borck.

2. Options Package Follow Up

Dick Wallace cleared up the confusion with the State response to the options proposal. It is a "response" not a "proposal".

Thompson briefly reviewed the options proposal he presented at the September FOTG EC meeting.

Wallace mentioned that the landowner contract referenced in the state response has not been worked out in detail but would be similar to a CREP contract.

Thompson said that by the end of this meeting there would be a comparison of the responses to the proposal.

The AG Caucus response

Jay Gordon provided an overhead presentation from a farmer's perspective and Jim

1 Hazen followed with a written response to the options proposal.

2
3 Gordon stated the need to balance the economics of farms and the economics of the
4 environment. It is important define objectives and provide a toolbox for farmers to work
5 with. Gordon said that the key points are to be able to provide incentives for farmers to
6 take part in the AFW program and to provide flexibility in FOTG practice 391.

7
8 Jim Hazen passed out a copy of the draft "AFW Riparian Buffer Proposal". Hazen
9 presented the AG response to the 3-options proposal. He mentioned that this provides a
10 framework to move the program from a discussion stage to an action stage because this
11 would sell to the landowners.

12
13 Discussion of reimbursements and monitoring ensued. Thompson identified monitoring
14 as an issue that needs to be addressed.

15
16 Hazen said the measurements of the proposed riparian buffers (5, 10, and 15 feet) are
17 made from the stream.

18
19 Dan Wood proposed that the buffer sizes in the AG caucus response be represented in
20 ranges (5-10 feet, 10-15 feet, and 15 and higher).

21
22 Thompson made it clear that all the responses to the options proposal on the 391 buffer
23 still need to be discussed in context with farm plans.

24
25 **Washington Association of Conservation Districts (WACD) Response**

26 Wade Troutman briefly presented the WACD response to the state response. He feels
27 that farmers already doing stewardship should be off the table. Troutman said farm plans
28 are a service and a tool that will help some landowners.

29
30 Wallace cleared up that the criteria referred to in the state proposal (in 1a of the WACD
31 response) are intended for parts of landscape and that number 2 outlines a voluntary
32 roadmap.

33
34 Troutman said that the positions stated in the WACD response are representative of the
35 State Conservation Districts.

36
37 **County Response**

38 Betty Sue Morris presented the position statement for Counties in the AFW negotiations.
39 She made clear that Counties have not adopted this framework.

40
41 Morris said if Agriculture is to be regulated the role properly falls to the State rather than
42 to the counties. However, if by default, Counties are to regulate agriculture through
43 imposition of critical area ordinances and as a land use, then Counties want some things
44 in return such as full cost recovery from state and federal governments, a contract with
45 State governments to develop and implement the regulations, time extensions beyond
46 current deadlines for Shorelines and critical area ordinance revisions, and language in

1 GMA that allows farms zoned for long term commercial agriculture, and which are
2 impacted by regulations past the point of commercial viability, to have their land zoning
3 changed.

4
5 Philip Morley said it is premature to come to closure on buffer size numbers since the
6 policy issues have not yet been addressed.

7
8 Discussion of critical habitat and permitting followed.

9
10 **Trout Unlimited Caucus Response**

11 Bill Robinson stated that the background of the AFW process is to fully support
12 agriculture. It's important to understand that the document "Extinction is not an Option"
13 is part of the underlying reason AFW is here.

14
15 It is important to look for certainty in funding and regulatory relief.

16
17 Standardized buffers would not work since there are too many landscapes to account for.
18 In option three in the state proposal there are opportunities to reach a higher bar.
19 Robinson mentioned the need for longer contract timeframes for the subsidizing of
20 buffers to develop larger wood.

21
22 Robinson feels that option one presents the core issue of voluntarism. The AFW program
23 needs stewardship along with regulatory processes. Option 3 is the most supported by
24 Trout Unlimited.

25
26 Robinson said that if money were funneled into the issue, the counties' tasks would
27 improve.

28 Thompson stated that all the responses seek requirements of funding - this issue requires
29 more discussion.

30
31 Robinson offered to provide comments in print.

32
33 **Action Item: Bill Robinson** will provide the Trout Unlimited Caucus response to the
34 options proposal in print.

35
36 **Federal Caucus Response**

37 Dale Bambrick said that the Federal Caucus thinks that riparian function science is less
38 ambiguous than what the State thinks. Option 2 does not provide function for unconfined
39 waterways. He stated that the Federal caucus does not endorse option 2 in any way.

40
41 Bambrick stated that the Federal caucus has offered the stream classification matrix as a
42 baseline for properly functioning conditions. He said that if financial incentives were
43 large enough, people would sign up.

44
45 Bambrick said that the act of creating a buffer does not jeopardize fish.

1 Smitch reminded the group that if there were agreement in the AFW program, \$25
2 million would be available to match CREP money. If no agreement were reached, the
3 \$25 million would not be available. He mentioned the importance of State biologist
4 agreement on the buffer numbers.

5
6 Frank Easter said if AFW is to pursue Section 7, focus needs to be placed on 391 rather
7 than 391A. Practice 391 is the baseline.

8 9 **3. Integrated Technical Team (ITT) Update**

10 Mike Rundlett presented an ITT update. He mentioned that tide gates are the key policy
11 issue. Rundlett stated that the ITT has been busy. Although some members have not
12 been attending in person, Rundlett said they were contributing to the work.

13
14 Rundlett outlined the progress of each chapter in the Agricultural Watercourse
15 Maintenance Policy Guidelines for Northwest Washington (AWC guidelines).

16
17 Since the last EC meeting, the AG caucus and agency representatives have agreed to add
18 a new watercourse classification to Chapter 3 titled "significantly modified watercourse".
19 "Wetlands" language was also added to this chapter.

20
21 Rundlett mentioned that most of the work left for the ITT is in chapter 5 (contains all
22 FOTG practices). This chapter also describes practices not covered programmatically.

23
24 Five practices that involve water control structures require policy direction.

25
26 The buffer issue is on standby for EC guidance. Jim Muck has volunteered to provide
27 work on this issue.

28
29 Easter will develop templates by the end of November to provide examples of farm plans
30 and one for a drainage district.

31
32 Rundlett said that the practices would be incorporated into the AWC document. Lynn
33 Briscoe has brought a couple of copies of the strikeout practices today. A sign up sheet
34 for people who would like copies of the strikeout practices was passed around.

35
36 Rundlett said that the 6-year timeframe in the V-ditch language has been removed.
37 Conservation practices and v-ditches will be reviewed simultaneously. Rundlett declared
38 the v-ditches language done. This language will be incorporated into chapter 6.

39
40 Rundlett said that there is one work item for chapter 7. The first draft out in November
41 will include the HPA approval process.

42
43 Rundlett stated that the ITT is on track to complete review of the rest of the FOTG
44 practices by December 2001. The AWC document should be finished by the end of the
45 year. He is hoping that January 7th will be the ITT last meeting. This timeline does not
46 include formal section-7 consultation time.

1
2 Thompson thanked the ITT for their work. He said that the issue of tide gates was
3 discussed by a small workgroup. Thompson said that tide gates present problems for
4 reasons such as:

- 5 • Tide gates were constructed a long time ago
- 6 • Communities have been built around tide gates under assumptions that they are in
7 place
- 8 • View tide gates as an infrastructure
- 9 • Lack sufficient information which tide gates stay or go. What are the impacts to
10 services, recovery, and other issues
- 11 • Don't know if they should stay or go (assume that they should stay in place)

12
13 Curtis Johnson has provided a paper on the tide gate issue. Thompson said that tide gates
14 are assumed to stay in place and to build the recovery process around them to achieve
15 progress. Thompson will provide tide gate language to the group at tomorrow's meeting.

Attendees	Representing
Ballash, Heather	WA Office of Community Development
Bambrick, Dale	NMFS
Berg, Ken	USFWS
Borck, Gretchen	WAWG
Briscoe, Lynn	WSDA
Easter, Frank	NRCS
Eaton, Tom	USEPA
Faulconer, Lee	WSDA
Davis, Tom	House of Representatives
Deusen, Millard	WDFW
Doenges, Rich	Skagit County
Fullerton, Karla	Dairy Federation
Gordon, Jay	Washington State Dairy Federation
Hazen, Jim	WSHA
Hemphill, Sara	NRC/King CD
Jensen, Martha	USFWS
Johnson, Linda	WA Farm Bureau
Kelly, Carolyn	SCD
LaCroix, Paul	WWAA
Landino, Steve	NMFS
Lund, Hertha	Washington State Farm Bureau
Maki, Mike	Agroforestry Assoc.
Meyer, Steve	WCC
Morley, Philip	Snohomish County
Morris, Betty Sue	WASAC
Muck, Jim	USFWS
Nelson, Bruce	WAWG
Nelson, Rick	Cattleman's Association
Poulsen, Karen	Hay Growers
Poulson, Mike	Ag Caucus
Robinson, Bill	Trout Unlimited
Smitch, Curt	Governor's Office
Thompson, Tim	Facilitator
Troutman, Wade	WACD
Wahbeh, Hibba	AFW Staff, summary recorder
Wallace, Dick	Department of Ecology
Williams, Tony	Thompson and Dicks
Wood, Dan	WA Assn. of Counties

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2
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4

1
2 **Friday, November 9th, 2001**
3

4 **1. Work Plan**

5 **Proposed AFW Work Plan – NW Washington**

6 Thompson would like to extend the buffer work (391 not 391A) through February as an
7 amendment to the work plan handout.
8

9 At the December EC meeting Thompson would like to have a presentation to discuss
10 what the likely coverage would be if there was AFW agreement. The presentation would
11 be made by the Services with Frank Easter and Steve Meyer.
12

13 Bambrick requested that the AG caucus give a presentation on what would constitute
14 coverage. Paul LaCroix offered to work on this presentation.
15

16 Thompson emphasized that the options are not requirements; they are potential vehicles
17 for coverage. Results of yesterday and today will help determine if these are viable work
18 plans.
19

20 **Proposed State-Wide AFW Work Plan**

21 Referring to comments from Borck, Thompson went over the proposed Statewide AFW
22 Work plan.
23

24 In this context Statewide refers to the Executive Committee. Thompson suggested
25 having a representative work group focus on substance with the approval of the EC.
26

27 Thompson amended the proposed Statewide AFW work plan by dropping A from 391.
28 The ITT will complete its work by December, except for the buffer issue. There were no
29 objections from the group. Thompson made clear that the work plan could change as the
30 AFW process moves along.
31

32 **AFW Communications**

33 Thompson suggested that the AFW process have better communication between the ITT
34 and the EC. He offered some suggestions: comprehensive distribution of ITT minutes;
35 funding for AG caucus communication needs; an executive summary of AWC manual
36 and watercourse classification; and a map of agricultural areas and how they are affected.
37

38 Steve Meyer stated that AG caucus communication needs are within the budget. Wallace
39 offered that John Mankowski take the lead of mapping agricultural areas (by December).
40

41 **Action Items:**

- 42 • **Jim Muck, Dale Bambrick, Frank Easter, Tom Eaton, Steve Meyer, and Hertha**
43 **Lund** will give a presentation at the December EC meeting to discuss coverage in the
44 event of AFW agreement.
45 • **Paul LaCroix** will organize a presentation that discusses what the AG caucus
46 constitutes as coverage.

- 1 • **The ITT** will complete the work plan in the assigned timeframe (complete all work
2 items, except for buffer issue, by December).
- 3 • AFW communication needs will be improved (i.e., sending out of ITT minutes to EC,
4 funding of AG caucus communication needs, etc.)
- 5 • **John Mankowski** will provide a map of agricultural areas in the State affected,
6 minimally affected, or not affected at all (by December EC meeting).

7 8 **2. AFW budget**

9 Meyer discussed the AFW proposed budget.

10
11 Thompson recommended a meeting to discuss budget issues. He stated that there is a
12 science budget need.

13
14 Mike Poulson stated that Steve George and Chris Cheney are in charge of the AG Caucus
15 budget. They are not present at today's meeting.

16
17 Discussion of research money ensued. Thompson suggested that the AG caucus submit a
18 detailed budget proposal to Meyer within a week. This issue should be finalized by the
19 December EC meeting.

20
21 Easter recommended that where money is available for agriculture, for whatever purpose,
22 those agencies should lay out the proper format to apply for it. Morris stated that there
23 could be a proviso in the legislature to appropriate another \$100,000 for science related to
24 agriculture and fish. Wallace stated the importance to commit to research with a
25 cooperative adaptive management concept in mind.

26 27 **Action Items:**

- 28 • **The AG Caucus** is to submit a detailed budget proposal to Steve Meyer
29 (Conservation Commission) within a week from today.

30 31 **3. Tide Gates**

32 Thompson passed out a handout with a proposal on tide gate language. The language
33 was changed to state tide gates and "dikes".

34
35 Wallace stated that this is a reasonable approach to move forward with tide gates;
36 however there is a need to acknowledge the life stages of fish.

37
38 Bambrick said that "take" coverage could not be given until the need and impact of
39 individual tide gates is scoped. He stated that this is not to impact agricultural interests or
40 to reduce the arability of agricultural lands. Operation and maintenance of tide gates
41 does not require a federal nexus.

42
43 Hemphill suggested that the tide gate language include that the review of tide gates is
44 currently occurring. Bambrick agreed with this. Muck stated that a mapping exercise of
45 tide gates is in the works.

1 Thompson stated that tide gate language proposal will be changed to reverse the order of
2 bullets and include that the process will involve streamlined consultation. Wallace added
3 that the steps of the process should be spelled out and included in the AWC manual.

4
5 Thompson tasked Rundlett and Bambrick to work on the tide gate language forward it to
6 the ITT.

7 8 **4. White Swan Proposal**

9 Wood and Gordon provided a handout titled "Possible AFW Agreement". The views in
10 this handout are not representative of counties or agriculture. The information in the
11 handout is based on yesterday's responses. The intent of the language is to start
12 discussion from the middle ground to reach agreement. Wood reviewed the proposed
13 language.

14
15 Wallace stated that there is a need to determine rental rates and costs and there is a need
16 to be clear of liability issues. He said that the group could look to flexibility with the
17 notion that outcomes have equal function.

18
19 Morley stated that funding of 0-35 foot buffers should not be at the expense of CREP or
20 other SRF projects.

21
22 Gordon stated that liability of adaptive management to the signed landowner would be a
23 barrier sale.

24
25 LaCroix stated that the proposed language coincides with the Shared Strategy document.
26 Wallace stated that there are other pieces in the Shared Strategy plan that include
27 maximum enforcement of existing laws, an evaluation plan, and default options.

28
29 Discussion of funding and adaptive management ensued.

30
31 Tom Eaton mentioned that measurement of improvements on a watershed scale, rather
32 than a patchwork of buffers across the state makes more sense.

33
34 Robinson stated that there are a lot of issues to think about, such as: amendments to
35 GMA, exemptions, 15-year contracts, and types of buffers (no tough, one touch). He
36 asked why pilot projects are needed when there are already buffers in place.

37
38 Discussion of liability after 15 years ensued.

39
40 Wood stated that the proposed language does not include detailed elements - this would
41 be negotiated at the contract scale.

42 43 **5. Meeting Minutes**

44 Thompson requested that Hibba Wahbeh (the author of the meeting minutes) include in
45 the beginning of all meeting minutes that:

- 46
- that these are a gross representation of the meeting and,

- no party is binding to any accountability to the minutes

Linda Johnson said that there are some housekeeping amendments to the May, August and September draft meeting minutes. The amendments to the May, August, and September draft minutes were accepted.

6. Next Meeting Dates

The next AFW Executive Committee meeting is scheduled for December 13-14 in Seattle.

Tentative meeting date suggestions are January 17-18, February 21-22, and March 7-8 in Olympia. Meeting dates for April and other months will be determined in the future and will be held in Ellensburg.

7. Re-visiting the Tide Gate Issue and Other Items

Rundlett stated that a committee made up of Bambrick, Rundlett, and LaCroix would work on the tide gate language for the ITT.

Rundlett stated that in the proposed AFW work plan for NW Washington, the public disclosure issue is tasked for Rundlett. However Sara Hemphill has already provided language on this issue and it is ready for the December meeting.

Wallace passed out a handout titled "Cross walk of AFW with Forest Practices Stream Typing". This delineates how different stream classifications are related.

8. Re-visiting the White Swan Proposal

Thompson requested that all the AFW caucuses fax him comments, concerns, and potential ways to improve the White Swan agreement proposal by 11-28-01.

Wood mentioned that incentive programs, rather than a regulatory approach, would help resolve the conflict of the county having to mandate the buffer. He would also like to make sure that other counties are not precluded.

Morley asked to keep in mind how the proposal fits into coverage and a suite of agricultural practices (even outside of NW WA). He asked for the proposal to be brought back to the December meeting with an amended matrix to include stream types.

Muck stated that Easter is responsible for this mapping exercise.

Action Item:

- **All Caucuses** provide Tim Thompson comments to the White Swan proposal by 11-28-01.

Handouts

- AFW 11/8-11/9 meeting proposed agenda
- May, August, and September FOTG EC meeting draft minutes

- 1 • AFW Communications
- 2 • Proposed AFW Work Plan – NW Washington
- 3 • Proposed Statewide AFW Work Plan
- 4 • AFW budget proposal
- 5 • Conservation Reserve Enhancement Program (CREP) information booklet
- 6 • Letter on the subject of the impact of Skagit County Buffer Ordinance on CRP/CREP
- 7 eligibility (from Rod Hamilton, WA FSA office to Skagit County FSA office)
- 8 • Northwest Power Planning Council – Issues surround ruling to remove Coho Salmon
- 9 from ESA listing
- 10 • Article from “Streamside Runoff” – *Agriculture and salmonids: future research*
- 11 • Summary of Ag science comments on the agency buffer proposal: 8/23/01
- 12 • Tim Thompson options proposal dated 8/30/01
- 13 • State of Washington – draft AFW framework response to options proposal
- 14 • Copies of overhead presentation made by Jay Gordon
- 15 • AFW Riparian Buffer Proposal – the AG Caucus response to the options proposal
- 16 • WACD Response to the State of Washington Draft AFW Framework
- 17 • Draft – Position statement for counties in AFW Negotiations
- 18 • Watercourse Classification Proposal – significantly modified watercourses (11/5/01)
- 19 • Draft v-ditches language (11/5/01)
- 20 • ITT Practice Review
- 21 • Tide gate language proposal
- 22 • Cross walk of AFW with forest practices stream typing
- 23 • Possible AFW agreement – White Swan Proposal (11/9/01)
- 24

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Bambrick, Dale	NMFS
Borck, Gretchen	WAWG
Briscoe, Lynn	WSDA
Easter, Frank	NRCS
Eaton, Tom	EPA
Faulconer, Lee	WSDA
Deusen, Millard	WDFW
Doenges, Rich	Skagit County
Gordon, Jay	Washington State Dairy Federation
Hazen, Jim	WSHA
Hemphill, Sara	NRC/King CD
Hopkins, Mike	Congressman Rick Larsen
Jensen, Martha	USFWS
Johnson, Linda	WA Farm Bureau
Kelly, Carolyn	SCD
LaCroix, Paul	WWAA
Lee, Bob	Senate Ag Comm.
Lund, Hertha	Washington State Farm Bureau
Masterson, Ikuno	King County
Meyer, Steve	WCC
Morley, Philip	Snohomish County
Morris, Betty Sue	WASAC/Clark County
Muck, Jim	USFWS
Nelson, Bruce	Wheat Growers Association
Poulsen, Karen	Hay Growers
Poulson, Mike	Ag Caucus
Robinson, Bill	Trout Unlimited
Thompson, Tim	Facilitator
Troutman, Wade	WACD
Wahbeh, Hibba	AFW Staff, summary recorder
Wallace, Dick	Ecology
Williams, Tony	Thompson and Dicks
Wood, Dan	WSAC